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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/376,876	08/18/1999	MARTIN D. MOODY	19317/101/10	7060

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EXAMINER

ENG, GEORGE

ART UNIT	PAPER NUMBER
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2643

12

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/376,876

Applicant(s)

MOODY, MARTIN D.

Examiner

George Eng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,9 and 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,9 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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## DETAILED ACTION

### *Response to Amendment*

1. This Office action is in response to the amendment filed 7/21/2003 (paper no. 11).

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoner (US PAT. 6,266,397) in view of Dounies (US PAT. 5,343,509 hereinafter Dounies).

Regarding claim 1, Stoner discloses an emergency message processor (30) in a network having related multiple transmission sources for providing emergency message initiator information to an emergency system, i.e., PSAP, as shown in figure 2 (col. 3 lines 11-15 and col. 4 lines 2-10) comprising an information storage unit (34) associated with the network for maintaining emergency message indicia representative of the multiple transmission source to be transmitted under emergency circumstances and destination address information to which the indicia is to be transmitted (col. 5 lines 36-39 and col. 6 lines 42-44), and means for providing emergency indicia representative of a transmission source implementing transmission from the information storage unit to an emergency system data base in response to implementation of

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transmission (col. 6 lines 53-62). In addition, Stoner teaches means for implement transmission of the emergency message indicia representing a transmission source into at least one public safety answering point under emergency circumstances (col. 6 lines 34-42 and col. 6 line 62 through col. 7 lines 3). Thus, it recognizes Stoner in having an initiator for implement transmission of the emergency message indicia representing the transmission source implement transmission into the emergency system under emergency circumstances with minimal volitional activity. Although Stoner does not specifically teach means for updating emergency indicia, it is old and notoriously well known in the art of information storage unit allowing a computer to generate updates for all users' emergency transmitters in order to make user friendly by providing the ability to quickly and easily update stored information, for example see Dounies (col. 4 lines 10-18 and col. 7 lines 1-12). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Stoner in having means for updating emergency indicia, as per teaching of Dounies, in order to make user friendly by providing the ability to quickly and easily update stored information.

Regarding claim 2, Stoner discloses the processor interfacing with a PBX (figure 1 and col. 4 lines 11-16).

Regarding claim 3, Stoner teaches the processor interfacing with PBX for connecting between a private branch exchange trunk to a PSAP via a central office (col. 3 line 66 through col. 4 line 16) so that it recognizes the processor including means for managing the PBX.

Regarding claim 4, Dounies teaches to use of external changeable data storages device for manipulating user-stored information (col. 2 line 59 through col. 3 line 2 and col. 7 lines 4-12).

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Regarding claim 5, Stoner teaches to concurrently transmit emergency message indicia to a monitoring location proximate a transmission source experiencing the emergency circumstance (col. 6 line 64 through col. 7 line 3).

4. Claims 6, 8-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoner (US PAT. 6,266,397) in view of Robbins (US PAT. 6,104,784).

Regarding claim 6, Stoner discloses an apparatus (10) as shown in figure 2 for facilitating implementation of a feature of a voice system, having means for administration, in which an emergency call can be initiated (col. 4 lines 11-29), comprising a first database (34) for storing information elements regarding status of potential call initiators, wherein the first database storing information elements regarding status of potential call initiators and accessing the information element regarding status of potential call initiators (col. 5 lines 36-39 and col. 6 lines 42-44), and means for transmitting at least one element of initiator status from said first database to a network with which the voice system interfaces (col. 6 lines 53-62). Note while Stoner teaches means for implement transmission of the emergency message indicia when the emergency circumstances occur (col. 6 lines 39-42 and col. 6 line 62 through col. 7 lines 3). Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to recognize Stoner in having means for providing initiator status information elements to a third emergency system database from the first database when the emergency circumstances occur. Stoner differs from the claimed invention in not specifically teaching the first database interfacing with a second voice system database. However, Robbins teaches an emergency service call system comprising a first database (45) interfacing with a second

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interface (46) to insure that service is not interrupted if the first database fails (col. 3 lines 6-17). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Stoner in having the first database interfacing with the second database, as per teaching of Robbins, because it ensures that the emergency call service is able to be provided by the second database even through the first database fails.

Regarding claims 8-9, Stoner teaches to connect the PBX interface to the telephone system when an emergency call is received from one of the plurality of extensions and to transmit at least one element of initiator status in response to the emergency call (col. 5 lines 57-66 and col. 6 line 34 through col. 7 line 3) so that it recognizes Stoner in having means for interrogating the apparatus being activated by the initiation of the emergency call and means for transmitting at least one element of initiator status in response to interrogation by the means for interrogation.

Regarding claim 11, Stoner teaches to concurrently transmit emergency message indicia to a monitoring location proximate a transmission source experiencing the emergency circumstance (col. 6 line 64 through col. 7 line 3).

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's arguments filed 7/21/2003 (paper no. 11) have been fully considered but they are not persuasive.

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In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., drives the identification of the transmission source in the network of multiple transmission source without the need for any adjunct equipment) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that neither Stoner nor any other prior art shows an initiator for implementing transmission into the emergency system, it appears that Stoner clearly teaches to have the emergency message processor (30) in a network having related multiple transmission sources for providing emergency message initiator information to an emergency system, i.e., PSAP (col. 3 lines 11-15 and col. 4 lines 2-10) so that it recognizes Stoner in having the initiator for implementing transmission into the emergency system. Thus, the claimed limitations cited in claims 6-9 and 11 are read by the combination of Stoner and Robin (see rejection above).

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any response to this final action should be mailed to:

BOX AF

Commissioner of Patents and Trademarks

Washington D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, V.A., Sixth Floor (Receptionist).

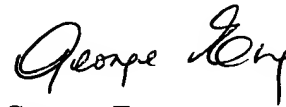
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tuesday to Friday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz, can be reached on (703) 305-4870. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

A handwritten signature in black ink, appearing to read "George Eng". The signature is written in a cursive, flowing style.

George Eng

Examiner

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